



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter Michael Wright et al. Art Unit : 2661
Serial No. : 09/835,398 Examiner : Timothy M. Bonura
Filed : April 17, 2001
Title : ELECTRONIC COMMUNICATIONS IN INTELLIGENT ELECTRONIC DEVICES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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REPLY TO ACTION OF MARCH 8, 2004

In reply to the Office Action of March 8, 2004, applicant submits the following remarks.

Applicant thanks the Examiner for the indication that claims 7, 10, 12, 32, 35, 37, and 52 are allowable.

Claims 1-6, 8, 9, 11, 13-31, 33, 34, 36, 38-51, and 53 have been rejected as being obvious over U.S. Patent No. 6,298,449 (Carter) in view of Japanese Patent Publication 2002-132599 (Yukinori). Applicant requests withdrawal of this rejection because Yukinori is not a reference upon which a proper rejection under 35 U.S.C. §103(a) can be made.

Under 35 U.S.C. §102(a), [which is incorporated into 35 U.S.C. §103(a)], only an invention that was described in a printed publication or that was patented prior to the date of invention by the applicant can qualify as prior art. Yukinori was published on May 10, 2002, more than two years after April 19, 2000, the priority date of the pending application, and more than a year after April 17, 2001, the filing date of the pending application.

Additionally, under 35 U.S.C. §102(e) [which is incorporated into 35 U.S.C. §103(a)], only an invention that was described in an application published or a patent granted by another filed in the United States before the date of invention by the applicant can qualify as prior art. Yukinori was filed on October 25, 2000, which is after April 19, 2000, the priority date of the pending application. Moreover, because Yukinori was filed prior to November 29, 2000, it cannot be relied upon as prior art under 35 U.S.C. §102(e) since it was not filed in the United States. See MPEP §706.02(a), which states "[p]ublications of international applications filed before November 29, 2000 ... do not have a 35 U.S.C. 102(e) date at all."

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For at least this reason, claims 1-6, 8, 9, 11, 13-31, 33, 34, 36, 38-51, and 53 are allowable.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: June 7, 2004

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